

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RUBY CARR,

Plaintiff,

VS.

**ALABAMA DEPARTMENT OF
YOUTH SERVICES, ET. AL,**

Defendant.

)
)
)
)
)
)
)
)
)

CIVIL ACTION NO.

2:07cv532-MHT

MOTION TO EXTEND DEADLINE FOR FILING RESPONSE TO DEFENDANT’S
MOTION TO DISMISS

COMES NOW the Plaintiff, Ruby Carr, in the above-styled cause by her counsel of record and does file this her Motion to Extend Deadline for The Response to Defendant's Motion to Dismiss, and request an extension of ten (10) days. This motion should be granted for the following reasons:

1)The Plaintiff filed this action on or around June 15, 2007, seeking damages for violations of race discrimination under Title VII and 42 U.S.C. §1981 and 1983 and state law claims.

2)The current deadline for Plaintiff to file a response brief to the Defendant's Motion to Dismiss is February 15, 2008, as set by this Court in its Order dated January 29, 2008.

3)Plaintiff's counsel spent most of the week of February 4th preparing for a heavily contested guardianship/conservatorship in Cullman County before Judge Leah Patterson Lust, which was resolved by hearing on Friday, February 8, 2008.

4)Plaintiff's counsel has had a sick child that he has had to provide care for the week of February 11th, and has had to be absent from work part of this week.

5)Plaintiff has contacted Henry Lewis Gillis and Mark Boardman, lead counsel for the Defendants and the Defendants do not oppose the Plaintiff's Motion for Extension of Time.

6)The parties will not be prejudiced and the interests of justice will be served by the granting of this motion.

WHEREFORE PREMISES CONSIDERED, the Plaintiff respectfully requests the Court grant this motion and extend the current deadline for her to file her response brief to the Defendant's Motion to Dismiss for ten (10) days after February 15, 2008, the date previously set by this Honorable Court.

/s/Guy D. Chappell III
Guy D. Chappell III
ATTORNEY FOR PLAINTIFF

OF COUNSEL:
GUY D. CHAPPELL III, P.C.
3100 Independence Drive; Suite 200
Birmingham, AL 35209
phone: (205) 871-7979
fax: (205) 871-7175

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February 2008, I electronically filed the foregoing Response to Motion to Dismiss with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Frederic Allen Bolling
Thomas Means Gillis & Seay PC
Post Office Drawer 11365
Birmingham, Alabama 35202-1365
fabolling@tmgpc.com

Henry Lewis Gillis
Thomas Means Gillis & Seay PC
Post Office Drawer 5058
Montgomery, Alabama 36103-5058
hlgillis@tmgpc.com, lksteele@tmgpc.com

Roslyn Crews
Thomas Means Gillis & Seay PA
Post Office Drawer 11365
Birmingham, Alabama 35202-1365

Mark Seymour Boardman
BOARDMAN, CARR, HUTCHESON
& BENNETT, P.C.
400 Boardman Drive
Chelsea, Alabama 35043-8211
mboardman@boardmancarr.com, mail @ boardmancarr.com

Elizabeth Dianne Gamble
BOARDMAN, CARR, HUTCHESON
& BENNETT, P.C.
400 Boardman Drive
Chelsea, Alabama 35043-8211
dgamble@boardmancarr.com, mail@boardmancarr.com

Thornton Dudley Perry, Jr.
Alabama Department of Youth
Services
Post Office Box 66
Mt. Meigs, Alabama 36057
dudley.perry@dys.alabama.gov

Done this the 15th day of February, 2008.

/s/Guy D. Chappell III
Of Counsel